



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD  
ATTORNEY GENERAL

DIVISION OF APPEALS & OPINIONS  
ALBANY BUREAU

(518) 776-2009

December 21, 2018

Sloan de Milo  
MuckRock News  
DEPT MR 60510  
411A Highland Ave  
Somerville, MA 02144-2516

VIA EMAIL: [60510-05303573@requests.muckrock.com](mailto:60510-05303573@requests.muckrock.com)

Re: Appeal re: Freedom of Information Law Request # G000709-091018

Dear Mr. de Milo:

I write in response to your administrative appeal in the above-referenced Freedom of Information Law (FOIL) matter. I received your appeal on December 19, 2018.

In response to a FOIL request you submitted, the Records Access Officer explained in writing on October 16, 2018, that he was withholding the responsive records. He advised you of your right to appeal his decision, explained that such an appeal must be made in writing within 30 days to me, and informed you of several ways in which you could contact me.

Your administrative appeal is untimely. FOIL provides that a person denied access to a record “may within thirty days appeal in

writing” such denial. Public Officers Law § 89(4)(a). The denial occurred on October 16. I received your administrative appeal, dated December 11, 2018, on December 19. Both December 11 and December 19 fall outside your 30-day window to administratively appeal.

This is a final agency determination. Please be advised that judicial review of this determination can be obtained under Article 78 of the Civil Practice Law & Rules.

Very truly yours,



KATHRYN SHEINGOLD  
FOIL Appeals Officer

Cc: Committee on Open Government  
OAG Records Access Officer